



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,153	06/25/2001	Francis Sykes	Q65127	7752

7590 07/14/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
Suite 800  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER
----------

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/887,153

**Applicant(s)**

SYKES ET AL.

**Examiner**

Jean A Gelin

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments filed on April 30, 2004 in which claim has been amended, and claim 7 has been added. Claims 1-7 are currently pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar (US 5,923,736) in view of Seppanen et al. (US 5,903,832).

Regarding to claims 1 and 7, Shachar teaches a method of managing the operation of a mobile terminal in a telecommunications network, the method being of the type in which the mobile terminal is designed to operate selectively in a telephone call mode or in a navigator mode (i.e., switching data communication to normal telephone, col. 8, lines 46-49), and of the type in which a display forming part of the mobile terminal or connected to the mobile terminal is suitable for displaying a service data page formatted by a sequence of instructions, the service data page giving access to at least one service(col. 7, line 30 to col. 9, line 37).

Art Unit: 2681

Shachar does not specifically teach said method comprising the steps of selecting a preferred mobile terminal operating mode for implementing a service by incorporating a preferred mode selection instruction in the sequence of instructions.

However, the preceding limitation is known in the art of communications. Seppanen teaches the mobile terminal having a list of networks arranged in order of priority, the mobile station automatically selects the network having the highest priority to use, and the automatic mode is selected as a default mode of operation corresponding to a preferred mobile terminal operating mode (col. 4, lines 5-27 and col. 7, lines 8-49). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Seppanen within the system of Shachar in order to provide an efficient and simple technique for enabling a user of a mobile terminal or station to manage, prioritize, and select between available systems.

Regarding to claim 5, Shachar in view of Seppanen teaches all the limitations above. Seppanen further teaches wherein the language adapted to service data is hypertext markup language (HTML) or a language derived therefrom (col. 9, line 66 to col. 10, line 45).

4. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar (US 5,923,736) in view of Seppanen et al. (US 5,903,832) further in view of Lee et al. (US 6,336,137).

Regarding to claim 2, Shachar teaches a WAN can be wirelessly employing diverse communication media (col. 1, lines 22-30).

Shachar does not specifically teach wherein the navigator mode uses wireless application protocol.

However, the preceding limitation is known in the art of communications. Lee teaches the WAP defines a set of standard components that enable communication between mobile terminals and network servers (col. 2, lines 7-44). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the teaching of Lee within the system of Shachar in order that the communication terminal uses the WAP to send and receive data to and from the wireless device, and WAP browser to display information (col. 11, lines 13-28).

Regarding to claim 3, Shachar in view of Seppanen et al. further in view of Lee teaches all the limitations except wherein the language adapted to service data is taken from the extensible markup language (XML) family, and in particular is wireless markup language (WML).

However, the preceding limitation is known in the art of communications. Lee teaches the preferred language for the client is XML and the preferred language for responses from the server system is WML (col. 9, lines 10-45). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the teaching of Lee within the system of Shachar and Seppanen in order that the communication terminal uses the

Art Unit: 2681

WAP to send and receive data to and from the wireless device, and a WAP micro-browser to send an encoded WAP request to a WAP gateway.

Regarding to claim 4, Shachar in view of Seppanen et al. further in view of Lee teaches all the limitations above. Lee further teaches wherein the language adapted to service data is taken from the extensible markup language (XML) family, and in particular is wireless markup language (WML) (col. 2, lines 34-60).

Regarding to claim 6, Shachar in view of Seppanen et al. further in view of Lee teaches all the limitations above. Shachar further teaches wherein the language adapted to service data is hypertext markup language (HTML) or a language derived therefrom (col. 9, line 66 to col. 10, line 45).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kurwahara et al. (US 6,389,288) teaches mobile communication terminal capable of executing location-related services.

Kowaguchi (US 6,624,809) teaches displayed information management method.

Art Unit: 2681

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JEAN GELIN**  
**PATENT EXAMINER**

JGelin  
July 9, 2004

*Jean Allard Gelin*